

REMARKS/ARGUMENTS

With the foregoing amendments, Claims 1-20 and 22-23 are pending in the application. New Claims 22-23 have been added as supported by the specification, for example, paragraph numbers 4 and 6, and Figures 3 and 4. No new matter has been added by the amendments.

At the outset, applicant notes with appreciation the indication of allowable subject matter in claim 7. As demonstrated below, all of the claims contain allowable subject matter.

Claims 5 and 14 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses the rejection.

The Examiner contends that a person can visually distinguish a hollowfil fiber from a multilobal fiber and, therefore, the claims are indefinite. In support, the Examiner cites to applicant's Figures 3-5. Respectfully stated, the Examiner is incorrect. As specifically set forth in the specification, Figures 3-5 are "enlarged" views of certain aspects of the claimed invention. See, e.g., the term "enlarged" in paragraphs 12 and 13. "Enlarged" means that they have been demonstrably enlarged or magnified as though by mechanical means. "Visually distinguish" (as used in the claims) is not the same as "enlarged" by mechanical means or other means. "Visually distinguish" means with the naked eye. The naked eye cannot "visually distinguish" a hollowfil fiber from a multilobal fiber in the claimed fabric, and there is no evidence of record to the contrary. In fact, it would take a person with superman-like powers or a magnifying device to be able to distinguish the claimed fibers. As a result, applicant respectfully requests the withdrawal of the Section 112 rejection.

Claims 1, 6, 8-13, 15, 19 and 20 stand rejected under 35 U.S.C. 102(b) as allegedly anticipated by Barber (US Patent 4961243). Applicant traverses the rejection based on the following facts.

Barber does not disclose (or suggest) the claimed invention. The claimed invention relates to fabrics that can be used in carpeting. Barber's teachings relate to cleaning pads for rotary machines. Barber's teachings of a cleaning pad for rotary machines do not disclose (or suggest) the claimed fabric that allows a person to visually distinguish a soiling-prone yarn and a soiling-hiding yarn in the same fabric, after the fabric has been soiled, and as an indicator of the extent of soiling of the fabric. See independent claims 1 and 15.

As claimed, some yarns retain the dirt and some yarns do not retain the dirt nearly as well – which allows the naked eye to visually distinguish the soiled yarns from the other yarns. Barber's use of a blended yarn 30 (comprising a blending of yarns 32, 34, 36) teaches the opposite. Barber's invention would lack efficiency if some blended yarns 30 retained dirt and others did not retain the dirt as well. Thus, Barber provides no motivation to use the claimed structure or method because Barber is concerned with cleaning and teaches that all of its blended yarns 30 "provide a cleaning pad with good scrubbing properties that more fully retains dirt within the pad." See Barber's single stated object in its Summary of the Invention.

Indeed, Barber teaches in his Summary of the Invention that "the blended yarn [30] is made by weaving together three or more individual yarns [32, 34, 36]" to create a pad that more fully retains dirt within the pad. This is lacking the critical feature of the claimed invention, i.e., the claimed invention requires that some yarns are clearly and unequivocally not as good as the other yarns at retaining dirt – thereby resulting in "visually distinguishable" yarns. Stated another way, the claimed yarns in the subject invention would destroy the intent of the Barber invention - to "fully retain dirt."

Furthermore, Barber's blended yarn 30 does not allow a person to "visually distinguish" the blended yarns 30 because each blended yarn 30 is the same as the blended yarn 30 next to it.

In fact, the blended yarn 30 is simply tufted through the base material and repeatedly lies next to itself. This is the antithesis of the claimed invention that requires a different yarn running next to an initial yarn.

Similarly, if the Examiner improperly attempts to dissect Barber's blended yarn 30 into its separate components 32, 34, 36, the dissection would tear apart the Barber blending and run counter to the express teachings of Barber. Barber unequivocally states that "superior dirt retention ... results from combining an acrylic, wool or polyester yarn 32 with two other yarns 34 and 36." As shown in Figure 2 of Barber, upon which the Examiner focuses, the separate components 32, 34, 36 are blended to form the blended yarn 30. The blended yarn 30 is tufted so as to result in identical side-by-side blended yarns 30 in the carpet cleaning pad of Figure 2. The side-by-side blended yarns 30 in Figure 2 do not provide the visually distinguishable soil-prone yarn and soil-hiding yarn of the claimed invention.

In this regard, the Examiner has incorrectly stated that "Barber teaches the first and third yarns have different soiling properties than the second yarn." Barber nowhere teaches this. At most, Barber states that component 32 can be acrylic, wool or polyester and that component 32 is blended with components 34 and 36. And, as noted above, Barber unequivocally states that "superior dirt retention ... results from combining an acrylic, wool or polyester yarn 32 with two other yarns 34 and 36." None of these teachings or other Barber teachings anticipates the claimed invention.

Claims 2-5, 14 and 16-18 stand rejected under 35 USC 103(a) as allegedly unpatentable over the cited Barber patent. Applicant traverses this rejection for the above reasons and the following reasons.

Claim 2-5 depend from Claim 1. Aside from the fact that the Examiner has not rejected Claim 1 on obvious grounds, claim 2 further requires that the soil-hiding yarns include yarns formed of hollowfil fibers, claim 3 further requires that the soiling-prone yarns include yarns formed of multi-lobe fibers, claim 4 further requires that the soiling-prone yarns include yarns formed of tri-lobal fibers, and claim 5 is a combination of claims 2 and 3. Claim 14 is independent and requires the visually distinguishable requirements of claim 1 and the particular use of hollowfil and multi-lobal fibers. Claims 16-18 depend from claim 15 (which the Examiner did not reject on obviousness grounds) and require the visually distinguishable yarns noted above and the specific use of hollowfil and multi-lobal fibers.

The Examiner correctly notes that Barber fails to teach the use of hollowfil or multi-lobal fibers. Barber certainly fails to teach the use of both of these types of fibers in one composition. And, as noted above, Barber fails to disclose or suggest the visually distinguishable features of the claimed invention. Nevertheless, the Examiner attempts to claim that one skilled in the art would be lead to modify Barber by using both hollowfil fibers and multilobal fibers and then arrive at the claimed invention because of certain contentions that the Examiner states are well known. Applicant disagrees.

As noted above, Barber does not disclose or suggest the use of a soil-prone yarn and a soil-hiding yarn in any fashion. Nor does Barber disclose or suggest the use of these yarns in such a way as to result in visually distinguishing anything. Moreover, Barber does not provide any motivation to modify its triple combination of yarns (which Barber unequivocally claims has "superior dirt retention ... [resulting] from combining an acrylic, wool or polyester yarn 32 with two other yarns 34 and 36") by using any particular combination of hollowfil and multi-lobal fibers. In fact, to do so would run contrary to the teachings of Barber which has the single stated

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goal of providing the best dirt retaining cleaning pad. Indeed, according to the subject invention, the claimed hollowfil fibers have different characteristics than the claimed multilobal fibers. If anything, Barber would only use one of them – i.e., the one that had the best dirt retention – so as not to harm Barber's single stated goal of "superior dirt retention." Thus, Barber teaches away from the subject invention that does not accomplish "superior dirt retention" but, instead, attempts to use one yarn that is prone to soiling and one yarn that hides soiling for a visually distinguishing effect. As a result, applicant requests the withdrawal of the rejection.

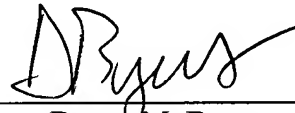
In view of the foregoing amendments and remarks, applicant submits that this case is in condition for allowance. A notice to that effect is earnestly solicited.

If the examiner has any questions concerning this case, the undersigned may be contacted at 703-816-4009.

Respectfully submitted,

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